

BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, DC 20554

RM-8658

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
Request for Petition for Rulemaking )  
of HEAR-IT NOW to Amend Section )  
68.4 (a) of the Commission's Rules )  
Hearing Aid - Compatible Telephones )

**COMMENTS ON PETITION FOR RULE MAKING**

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July 17, 1995

Office of the Secretary  
Federal Communications Commission  
1919 M Street, NW, RM. 222  
Washington, DC 20554

**RE: COMMENTS OF THE HEARING  
INDUSTRIES ASSOCIATION  
REGARDING HEAR-IT NOW's  
PETITION FOR RULE MAKING TO  
AMEND SECTION 68.4 (A) OF THE  
COMMISSION'S RULES HEARING  
AID-COMPATIBLE TELEPHONES**

1. The Hearing Industries Association ("HIA")<sup>1</sup> appreciates the opportunity to submit comments to the Commission about HEAR-IT NOW's request for the issuance of a Petition for Rule Making to amend Section 68.4 (a) of the Commission's Rules, 47 C.F.R. § 68.4 (a), to specify that broad band Personal Communication System (PCS) devices capable of voice transmission or reception must be hearing aid compatible.

2. In 1988, Congress passed the Hearing Aid Compatibility Act ("the Act") which required the Commission to establish regulations to ensure reasonable access to telephone service by individuals who are hard of hearing.<sup>2</sup> Importantly, congressional intent of the law was clearly stated in that "to the

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<sup>1</sup> HIA is a trade organization that represents hearing aid and component manufacturers. HIA members collectively manufacture over 90% of the hearing aids sold in the United States.

<sup>2</sup> 47 U.S.C. § 610 (a). The Commission adopted the necessary regulations in 47 C.F.R. §§ 68.4, 68.112, 68.224, 68.316 and 68.414.

fullest extent made possible by technology and medical science, hard of hearing persons should have equal access to the national telecommunications network [.]<sup>3</sup> Further findings stated "adoption of technical standards is required in order to ensure compatibility between hearing aids, thereby accommodating the needs of individuals with hearing impairments."<sup>4</sup> Excepting several categories of telephones, i.e., public mobile services and private radio services, virtually all telephones were required to be hearing aid - compatible under the Act.<sup>5</sup> Under the law, Congress directed the Commission to "periodically assess the appropriateness of continuing in effect the exemptions provided by such regulations for telephones used with public mobile services[.]<sup>6</sup> The Commission was directed to revoke or limit any exemption if it was determined "continuation of the exemption without revocation or limitation would have an adverse effect on hearing impaired individuals[.]<sup>7</sup>

3. The FCC recently auctioned licenses for a portion of the available PCS spectrum. Successful bidders are selecting basic operating systems, as well as the types of equipment to be used with those systems. There is general agreement that new technology utilized by many of the operating systems will be capable of voice, data and video transmission. There is agreement that the chosen operating system and inherent technology will become to the 21st century what the telephone was to the 20th century.

4. Some of the PCS systems now under consideration appear to be incompatible with hearing aids. In some instances, hearing aid wearers standing within several feet of these operating systems experience interference. The interference, at a minimum, diminishes performance of the hearing aid and can be severe enough to cause pain to the hearing aid wearer. Certain European studies have demonstrated that hearing aid wearers are unable to employ or stand near an individual operating some types of PCS systems currently in use abroad. Further, a recent study of hearing aids that were

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3 Congressional Findings for 1988 Amendment PL 100-394, Section 3.

4 Congressional Findings, PL 97 - 410, Section 2.

5 47 U.S.C. § 610 (b) (2) (A)

6 47 U.S.C. § 610 (b) (2) (C)

7 47 U.S.C. § 610 (b) (2) (C) (ii)

shielded from electronic interference, still did not offer enough protection for a hearing aid user to actually use the equipment.<sup>8</sup>

5. In contrast to Europe, where larger behind-the-ear hearing aids dominate, the vast majority sold in the United States are models that fit completely within the user's ears. Because of the size limits inherent in this product, there is little room available to shield the instrument or provide counter-measures for electronic interference. It is highly unlikely, in the near future, that hearing aid technology will be able to protect wearers from electronic interference caused by a number of systems currently under consideration.

6. There are currently 5.8 million Americans who own hearing aids in the United States. Demographic studies show that this number will grow rapidly as the baby boom population of the decade following World War II ages, creating the potential for 17-18 million hearing aid users. Standardization of PCS technology that is incompatible with hearing aids will cause hearing aid users to a) be unable to take advantage of these advances in the workplace or at home; or, b) be unable to use hearing aids in recreational and other public settings where certain PCS device are in use, i.e., movie theaters, public transportation, businesses. A consumer with a hearing impairment will be forced to wait for and spend thousands of dollars on new hearing aids that may be able to defeat electronic interference, as studies indicate that it is virtually impossible to retrofit existing devices to block this interference.

## Conclusion


7. By requiring new PCS technology to comply with current regulations regarding hearing aid compatibility, the Commission will ensure that a substantial portion of the US population will be able to enjoy advances in communications technology. Further, hearing aid wearers will not be required to spend billions of dollars to replace devices, when and if available, that will

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<sup>8</sup> National Acoustic Laboratories. *Interference to Hearing Aids by the Digital Mobile Telephone System, Global System for Mobile Communications, (GSM)*, Rpt. 131. May 1995, (National Acoustic Laboratories is a division of Australian Hearing Services, a Commonwealth Government Authority of Australia).

defeat electronic interference. It is HIA's understanding that a number of operating systems currently under development cause little or no interference to hearing aids and that studies are underway in the United States to confirm these issues. HIA urges the commission to critically review these findings as it is our hope that a system accessible by all Americans is chosen to lead us into the future.

Respectfully submitted.

A handwritten signature in cursive script that reads "Carole M. Rogin".

Carole M. Rogin

President

Hearing Industries Association

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